



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,053	05/11/2001	Michael C. Driscoll	EDGMT-55703	7790

24201 7590 08/13/2004

FULWIDER PATTON LEE & UTECHT, LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE
TENTH FLOOR
LOS ANGELES, CA 90045

EXAMINER

LEE, PHILIP C

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/854,053	Applicant(s) DRISCOLL ET AL.	
	Examiner Philip C Lee	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 are presented for examination.
2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

- a. The inventors' signatures are omitted
3. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections – 35 USC 112

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2154

- a. Claim language in the following claims is not clearly understood:
 - i. As per claims 1 (line 3), 9 (line 3) and 17 (line 2), try to avoid using terms ending in “able” because these terms lead to uncertainty of whether anything actually occurs (or result).
 - ii. As per claims 1 (lines 6-8) and 9 (lines 10-12), it is unclear how the storage distribution can be control by applying a hashing algorithm?
 - iii. As per claims 4, 12 and 20, lines 4, it is uncertain whether the stored and accessed data is distributed uniformly or not [i.e. how to define “substantially uniform”?].

Claim Rejections – 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager, U.S. Patent 6,167,402 (hereinafter Yeager) in view of “Official Notice”.

7. As per claim 21, Yeager taught the invention substantially as claimed comprising the steps of:

Art Unit: 2154

accepting a command function relating to data associated with a username (col. 4, lines 62-col. 5, lines 2);

performing a hashing function on the username to produce a hash value for the username (col. 8, lines 19-23);

accessing a folder on a network storage device based on the hash value, wherein the data is stored under the folder (col. 8, lines 1-23); and

performing the command function relating to the data in the folder (col. 4, lines 62-col. 5, lines 2).

8. Yeager did not specifically detailing the data is stored under the folder on the network storage device. "Official Notice" is taken for the concept of storing folder with data on a network storage device is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include storing folder with data on a network storage device because by doing so would allow a user to organize data on a storage device according to the user's interest in Yeager's system.

9. As per claim 25, Yeager taught the invention substantially as claimed in claim 21 above. Yeager further taught wherein the step of accessing further includes the step of associating a unique identification number with the data (col. 9, lines 8-13; col. 12, 49-51).

Art Unit: 2154

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager, in view of Chen et al, U.S. Patent 6,470,331 (hereinafter Chen).

11. As per claim 22, Yeager taught the invention substantially as claimed in claim 21 above. Yeager did not teach hashing function producing a substantially even distribution of folders across the storage devices. Chen taught wherein the hashing function produces a substantially even distribution of folders across the storage devices of the network (col. 4, lines 23-36).

12. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yeager and Chen because Chen's method of hashing function for evenly distribution would increase the efficiency of Yeager by avoiding the delay time cause by overloading one storage device of the network.

13. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager, in view of Aiken et al, U.S. Patent 6,757,675 (hereinafter Aiken).

14. As per claims 23 and 24, Yeager taught the invention substantially as claimed in claim 21 above. Yeager did not teach caching and indexing of hash values. Aiken taught comprising the step of caching the hash values produced by the step of performing he hashing function and creating an index of hash values (abstract; col. 4, lines 62-63; col. 5, lines 26-34; col. 6, lines 37-col. 7, lines 19; fig. 4; col. 14, lines 8-14).

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Yeager and Aiken because Aiken's system of caching and indexing the hash values would increase the efficiency of Yeager's system by allowing the system to quickly identify the documents based on the hash value (col. 7, lines 11-16).

16. Claims 1-6, 9-14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Yeager.

17. As per claims 1 and 9, Chen taught the invention substantially as claimed comprising:

at least one storage device, wherein the at least one storage device is capable of storing data (fig. 1; col. 3, lines 4-12);

at least one server connected to the at least one storage device so as to access the data on the at least one storage device (col. 2, lines 40-50; fig. 1);

a daemon on the at least one server for controlling storage distribution in the at least one storage device by applying a hashing algorithm (col. 3, lines 39-53).

18. Chen did not teach applying a hashing algorithm to the username. Yeager taught a method of applying a hashing algorithm to the username associated with the data (col. 8, lines 14-23).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Chen and Yeager because Yeager's teaching of applying a hashing algorithm to the username associated with the data would increase the efficiency of Chen's system by allowing a server-based data store partitioned such that indexes, message data, and user data are logically arranged to improve data storage and retrieval times (col. 3, lines 9-12).

20. As per claim 17, Chen taught the invention substantially as claimed comprising: a storage device capable of storing data (fig. 1; col. 3, lines 4-12), a server connected to the storage device so as to access the data on the storage device (col. 2, lines 40-50; fig. 1); wherein the server includes a daemon, the daemon applies a hashing algorithm (col. 3, lines 39-53).

21. Chen did not teach applying a hashing algorithm to the username. Yeager taught the invention comprising:

applying a hashing algorithm to the username associated with the data (col. 8, lines 14-23), wherein the storage device includes a directory of folders having a first folder and a subfolder under the first folder, wherein the data is stored in the subfolder (col. 12, lines 20-25; col. 8, lines 1-23);

the daemon assigns a unique identification number to the data stored on the storage device (col. 8, lines 14-23; col. 9, lines 8-13; col. 12, lines 49-51);

wherein the first folder corresponds to a hash value produced by the hashing algorithm, and the data is associated with the unique identification number in the subfolder (col. 8, lines 14-23; col. 9, lines 8-13; col. 12, lines 49-51).

22. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Chen and Yeager because Yeager's teaching of applying a hashing algorithm to the username associated with the data would increase the efficiency of Chen's system by allowing a server-based data store partitioned such that indexes, message data, and user data are logically arranged to improve data storage and retrieval times (col. 3, lines 9-12).

23. As per claims 2, 10 and 18, Chen and Yeager taught the invention substantially as claimed in claims 1, 9 and 17 above. Yeager further taught wherein the data includes e-mail messages (col. 4, lines 59-62; col. 5, lines 47-50; col. 6, lines 62-65). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Chen and Yeager for the same reason as in claim 1 above.

24. As per claims 3, 11 and 19, Chen and Yeager taught the invention substantially as claimed in claims 1, 9 and 17 above. Yeager further taught wherein the data includes audio data (col. 4, lines 59-62; col. 6, lines 62-65). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Chen and Yeager for the same reason as in claim 1 above.

Art Unit: 2154

25. As per claims 4, 12 and 20, Chen and Yeager taught the invention substantially as claimed in claims 1, 9 and 17 above. Chen further taught wherein the daemon stores and accesses data on the at least one storage device based on the hashing algorithm (col. 3, lines 39-53), wherein the stored and accessed data is distributed on the at least one storage device in a substantially uniform manner (col. 4, lines 23-36).

26. As per claims 5 and 13, Chen and Yeager taught the invention substantially as claimed in claims 1 and 9 above. Yeager further taught wherein the at least one storage device includes a first folder and subfolder under the first folder (col. 12, lines 20-25), the daemon assigns a unique identification number to the data stored on the at least one storage device, the first folder corresponds to a hash value produced by the hashing algorithm, and the data is associated with the unique identification number in the subfolder (col. 8, lines 14-23; col. 9, lines 8-13; col. 12, lines 49-51). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Chen and Yeager for the same reason as in claim 1 above.

27. As per claims 6 and 14, Chen and Yeager taught the invention substantially as claimed in claims 1 and 9 above. Chen further taught wherein the at least one server further includes a first server and a second server, wherein the first server is interconnected with the second server to provide respective operational information (fig. 1; col. 2, lines 40-53; col. 4, lines 23-47).

Art Unit: 2154

28. Claims 7-8 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen and Yeager in view of Marsh, U.S. Patent 6,530,077 (hereinafter Marsh).

29. As per claims 7 and 15, Chen and Yeager taught the invention substantially as claimed in claims 1 and 9 above. Chen and Yeager did not specifically detailing the type of storage device. Marsh taught wherein the at least one storage device includes the storage area network (col. 3, lines 33-51; col. 7, lines 33-42).

30. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Chen, Yeager and Marsh because Marsh's teaching of a storage area network would increase the field of use in their system.

31. As per claims 8 and 16, Chen, Yeager and Marsh taught the invention substantially as claimed in claims 7 and 8 above. Marsh further taught wherein application executables are stored on the storage area network (col. 3, lines 33-51). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Chen, Yeager and Marsh for the same reason as in claim 7 above.

CONCLUSION


32. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (703)305-7721. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

35. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.


ZARNI MAUNG
PRIMARY EXAMINER